IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO.79 OF 2001

Shri Suhas J. Sirsat,
son of Jairam Sirsat,
married, businessman,
residing at Mapusa,Goa ... PETITIONER

VERSUS

1. Shri Devendra T.
Dhavjekar, major, son
of late Tukaram Dhavjekar,
resident of Angod,Mapusa;

2. Shri Ulhas R. Pankar,
son of Raghuvir Pankar,
businessman, resident of
Pankar Colony, Ansabhat,
Mapusa, Goa ... RESPONDENTS

Shri V. Menezes, Advocate for the Petitioner.

Shri N.N. Sardessai, Advocate for the Respondent No.1.

CORAM : V.C. DAGA,J.

DATED : JULY 5, 2002.

ORAL JUDGMENT

Heard rival contentions.

2. The Revision is directed against the impugned Order dated 1st July, 2000 passed in Execution Application No.2/93/Sr. by the Civil Judge, Senior Division, Mapusa, rejecting an application filed under Section 73 of the Civil Procedure Code.

3. A perusal of the Order would show that the said Application has been decided by the trial Court without going into the real issues involved between the parties and, that too, without application of mind to the provisions of Section 73 of the Civil Procedure Code. No reasons are recorded as to why this application has been rejected. Whatever reasons have been given are most perfunctory reasons from which it is difficult to make out as to why the Application has been rejected.

4. Without going into the merits or demerits of the Order, the impugned Order is set aside. The matter is remitted back to the trial Court with a direction to go through the real issues involved between the parties and pass a reasoned Order deciding the Execution Application. The executing Court is directed to dispose of the matter as expeditiously as possible and, at any rate, within four months from the date of receipt of the writ of this Court.

V.C. DAGA,J.

ac.